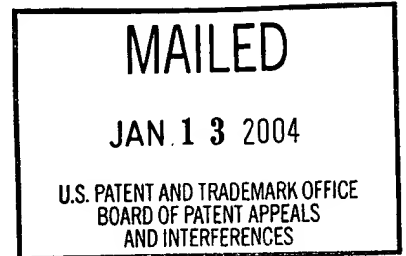


UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte TERRY P. SNUTHC and
DAVID L. BAILLIE

Application No. 09/030,482



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on October 24, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On October 3, 2003, counsel for the appellants filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be

Application No. 09/646,924

treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, it is

ORDERED that the application is returned to the Examiner for appropriate
action.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in dark ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

Dale M. Shaw
Program and Resource Administrator
(703) 308-9797

Application No. 09/646,924 .

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, CA 92130-2332

RA04-0165
dem